Case 2:07-cv-04936-MAM Document 54-18 Filed 10/01/10 Page 1 of 7 SYNOPSIS cont'd

On 10/13/06, Christopher BUSH, his brother David BUSH, and their father went to Richmond, VA where the ex-wife and children had been located and solicited the assistance of the Richmond City police to obtain custody of his children from their school pursuant to the fraudulent court order which they did. The children were turned over to David BUSH who then returned to Pennsylvania. Subsequently, the court order was vacated and a new custody order was issued giving Mrs. BUSH custody and the children were returned to her after David Bush turned himself in to the FBI on 10/26/07. The FBI had charged him with 3 counts of Abduction of Children and Conspiracy to Commit Abduction.

On 10/23/06, after obtaining a valid court order, Mrs. BUSH went to PSP Montoursville and spoke with TPR Matthew R. MCDERMOTT who assisted her with the authorities in Richmond City Police Department to file a missing persons report for her children (see enclosure).

On 05/17/07 @ 1005hrs., Lt. Steve IGNATZ and I went to Newtown Township Police to interview Chief Martin DUFFY and Detective Chris BUSH concerning this matter. The interview was adversarial from the start, beginning with an accusation by Chief Duffy that the only reason we were sitting in his office is because we were sent by IAD in Harrisburg to harass and intimidate them since they filed an IAD complaint against some members of PSP. The chief also thought this matter was too trivial to include a state police Lieutenant who has better things to do and that I should be able to handle this matter by myself. After several comments about a federal law suit and Chris BUSH being advised by his attorney that he shouldn't talk to us, he chose to talk to us anyhow since he wanted to cooperate fully in this investigation. It was determined that Detective Chris BUSH had made the entries after he had asked a report to backup the entries, report number 06-4111 was produced. It only had sufficient information on it to make an NCIC entry for the children and no other investigative information. The mother of the children was never charged criminally by Detective BUSH for Interference with the Custody of a Child or any crime.

CONCLUSION:

Newtown Township PD had not initiated an official missing person's investigation. The report that was initiated by Detective BUSH was only for the purpose of making the NCIC entry, and was only done after PSP Mansfield determined this was not a missing person's case and that the children were not actually missing but in the custody of their mother and that this was part of a custody dispute. The court order that was used to substantiate the removal of the children from Richmond Virginia was fraudulently obtained by David BUSH. Detective BUSH also contacted the National Center for Missing and Exploited Children and had a poster made showing the 3 children as missing which had some inconsistencies with the NCIC entry, mainly, on the NCMEC poster it indicates that the last contact was on 09/01/04 and on the NCIC entry date of last contact was 07/08/2006. Detective BUSH lied to me about the existence or a report to substantiate his NCIC entry. A report was available for hit confirmation, therefore, no violation of CLEAN/NCIC regulations occurred.

It remains undetermined if Detective Chris BUSH knew that the custody order was obtained fraudulently or not.

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RECOMMENDATIONS AND COMMENT:

I believe that when David BUSH failed to get the results he wanted from his attempt to use PSP to support his agenda he went to his brother Detective Chris BUSH, who, because he was emotionally involved and personally involved in the case due to the family situation, allowed that to cloud his judgment in this case to the point where he acted inappropriately, albeit with the permission of his chief. Detective Chris BUSH filing an IAD complaint has no relevance in this investigation as to whether or not he misused CLEAN.

I also believe that Chief DUFFY knew of this NCIC entry and became personally and emotionally involved in this case and gave his permission for Detective BUSH to make these entries. I also believe that Chief DUFFY was surprised that Detective BUSH lied to me about the existence of a report when he found the report in the file and handed it to Detective BUSH and then directed Detective BUSH to allow me to see the report.

LIST OF ATTACHMENTS:

Information from SGT David YOUNG, PSP Montoursville CLEAN offline search NCIC offline search NCMEC poster Court documents

DETAILS:

On 05/17/07 at approx. 1005 hours, I interviewed Chief of Police Martin C. DUFFY, W-N/M - 64 (04/15/1943), Newtown Township Police Department in his office at 100 Municipal Drive, Newtown, PA 18940 (215)579-1000.

After I introduced myself and LT IGNATZ, Chief DUFFY and Detective BUSH both went on the offensive, accusing us of being there to intimidate and harass his detective since he had filed an IAD complaint against members of PSP. He questioned the timing of this investigation and the need for a State Police Lieutenant to be involved in such a trivial matter. Chief DUFFY advised that he prides himself on the integrity of his department where he has worked for 30 plus years. Chief DUFFY advised that he stands behind his officers 100% and if there is a violation here, it is should rest on his shoulders and not on Detective BUSH. He advised that he was aware of this case and that Detective BUSH came to him and asked his permission to enter his brothers kids into CLEAN/NCIC before he did it. He advised of an ongoing federal lawsuit involving this case and that he wasn't sure how much he should talk about. Chief DUFFY was advised that this was an administrative investigation concerning only the NCIC entries made by Detective BUSH when his department did not have jurisdiction to make the entries as the children were not missing from his jurisdiction and not associated with the IAD or any other investigation. When advised of the possible sanctions of a violation, he advised that he didn't want his officers safety to be jeopardized because of his emotional involvement in this case and that he hoped his department would not lose CLEAN access. Chief Duffy stood his ground until I caught Detective BUSH lying to me about the existence of a report in this case. As I was interviewing Detective BUSH, Chief DUFFY pulled a file out of his desk drawer and began to go through it, and as Detective BUSH lied outright saying a report didn't exist, Chief DUFFY pulled a report out of the file with a puzzled look on his face, showed the report to Detective BUSH, then directed him to show it to me. Chief DUFFY apologized for his error in judgment and acknowledged his emotional involvement in this case. Chief DUFFY'S demeanor seemed to change after he found the report that Detective BUSH said didn't exist.

Case 2:07-cv-04936-MAM Document 54-18 Filed 10/01/10 Page 3 of 7 DETAILS cont'd

On 05/17/07 at approx. 1015 hours, I interviewed Detective Christopher BUSH, W-N/M - 44 (12/31/62), 100 Municipal Drive, Newtown, PA 18940, in the presence of his police chief, Martin C. DUFFY, in the chief's office.

Detective BUSH proceeded to provide me with the fact that he filed an IAD investigation that was still pending and that IAD would not provide him with any information concerning the investigation. He proceeded to tell of his brothers' plight and the custody of his brothers' children, all of which I told him I could sympathize with, but it didn't justify the entries made into NCIC. The regulation concerning entries and the availability of a report for hit confirmation were explained to Detective BUSH. I asked Detective BUSH for a copy of his missing persons report that he filed in conjunction with the NCIC entries that he made. He vehemently denied the existence of a report and stated "you know I don't have a report why are you even asking?" I advised Detective BUSH that it was my belief that his brother made an attempt to get PSP Mansfield to take a missing person report and when he didn't get the results that he wanted he requested Detective BUSH get involved, a statement which Detective BUSH didn't deny or even challenge. He was advised that because of his personal involvement in this case he shouldn't have used his position to further his brother's cause. At this point in the interview, the chief pulled the report out of a file, showed it to Detective BUSH and Detective BUSH took possession of it. Detective BUSH was reluctant to allow me to see the report until he consulted with his attorney at which time he was directed by Chief DUFFY to give me the report. The report, 06-4111, had only the information on it to support the NCIC entries and no additional investigative information. When I questioned his integrity at this point he stated that he didn't know that that was the report I was looking for, he thought I was looking for a different one.

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PROPERTY RECORD OTHER PAPSP5300/MANSFIELD 3. OFFENSE CONCEALMENT OF WHEREABOUTS OF A CHILD David (NI) 5. NARRATIVE On 10/13/06 David BUSH had taken physical custody of his children in Richmond VA with a flawed concurrence County PA on 06/23/06. The children were taken out of the school that they were attending be placed into David BUSH'S custody. On 10/23/06 Sarah BUSH, who had changed her name to Isara Isabella SERENE, had the Luzerne Cogave David BUSH custody of the children vacated. On 10/24/06 an emergency protection from abuse order was placed against David BUSH by the Comforbidding him from having any contact with SERENE or any of the children. On 10/25/06 a warrant of arrest was issued by the Commonwealth of Virginia for abduction. A request was then made by the local authorities in Virginia. On 11/26/06 David BUSH'S attorney, William GOLDMEN, contacted FBI Philadelphia to arrange BUSH Doylestown PA. After David BUSH turned himself in, the Newtown Police Dept returned the children to The preceding information was provided to this R/O by FBI Agent Timothy OMALI, PH # 570-323-5326. The Tioga County District Attorney's Office is not seeking any prosecution towards any party involved a children were located ending this department's involvement in this incident. This investigation is closed in compliance with GM 7-2, General Responsibilities & Instructions, Section G-2 Terminating an Invest attachments have been removed from the station copy of this report & forwarded to DHQ. No property remains in evidence and there are no CLEAN / NCIC entries associated with this investigation.		12/17/00
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CONCEALMENT OF WHEREABOUTS OF A CHILD 5. NARRATIVE On 10/13/06 David BUSH had taken physical custody of his children in Richmond VA with a flawed concluzerne County PA on 06/23/06. The children were taken out of the school that they were attending be placed into David BUSH'S custody. On 10/23/06 Sarah BUSH, who had changed her name to Isara Isabella SERENE, had the Luzerne Congave David BUSH custody of the children vacated. On 10/24/06 an emergency protection from abuse order was placed against David BUSH by the Common forbidding him from having any contact with SERENE or any of the children. On 10/25/06 a warrant of arrest was issued by the Commonwealth of Virginia for abduction. A request was then made by the local authorities in Virginia. On 11/26/06 David BUSH'S attorney, William GOLDMEN, contacted FBI Philadelphia to arrange BUSH Doylestown PA. After David BUSH turned himself in, the Newtown Police Dept returned the children to the preceding information was provided to this R/O by FBI Agent Timothy OMALI, PH # 570-323-5326. The Tioga County District Attorney's Office is not seeking any prosecution towards any party involved a children were located ending this department's involvement in this incident. This investigation is closed in compliance with GM 7-2, General Responsibilities & Instructions, Section G-2 Terminating an Invest attachments have been removed from the station copy of this report & forwarded to DHQ. No property remains in evidence and there are no CLEAN / NCIC entries associated with this investigat LIST OF ATTACHMENTS:	2. DATE OF RE	EPORT
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6. OFFICER'S NAME/SIGNATURE

Tor. Eric J. WHISNER / DEPARTMENT HEADQUARTERS

BADGE NO. 7. INVEST. RECM. OF I



JOHN F. COWLEY

District Attorney

GEORGE W. WHEELER Assistant District Attorney

OFFICE OF THE DISTRICT ATTORNEY TIOGA COUNTY, PENNSYLVANIA Courthouse

Wellsboro PA. 16901 570-724-1350 FAX 570-724-7108 Staff:
JOHN T. DAVIS
Chief County Detective
REVA J. BALDWIN
Victim/Witness Coordinator
MARY K. KIMBALL
Secretary

April 26, 2006

Lyle and Helga Bush 2565 Route 660 Wellsboro, PA 16901

Dear Mr. and Mrs. Bush:

I received your correspondence on April 26, 2006, and am forwarding the information to the State Police, who are conducting an investigation into this matter. You may want to pursue possible visitation rights with your private attorney if that is your interest.

Sincerely yours,

John F. Cowley District Attorney

and the second s

JFC:mkk

cc: Sgt. Joseph Tripp Tpr. Eric Whisner